

Remarks

Currently, claims 1-19, 21-22, 24-51, 53-61, 63-65, and 70 remain pending in the present application including independent claims 1, 31, 53, and 70.

Applicants note that new independent claim 70 has been added to the present application. However, Applicants respectfully suggest that claim 70 be subject to a restriction requirement, since the method of claim 70 falls into a different statutory class than the product of the other claims. Due to this suggested restriction requirement, Applicants elect the claims drawn to a product, specifically, claims 1-19, 21-22, 24-51, 53-61, and 63-65, and agree to cancel claim 70 as drawn to a non-elected invention.

Also, claims 1, 31, and 53 have been amended to require that the first preselected pattern include a plurality of dots. Also, claims 1, 31, and 53 require that a bonding material be applied to the second side of the tissue web. Support for these amendments and new claims can be found throughout the present application. See, e.g., 20, line 22 – pg. 22, line 14. No new matter has been added.

In the Office Action, claims 1-66 were rejected under 35 U.S.C. § 102(b) in view of any of the following U.S. Patents: 6,129,815 to Larson, et al.; 5,674,590 to Anderson, et al.; 6,248,212 to Anderson, et al.; and 5,885,418 to Anderson, et al. Additionally, the Office Action rejected claims 1-66 under 35 U.S.C. § 102(b), or in the alternative under § 103(a), in view of international publication no. 99/34060. However, Applicants respectfully submit that none of the cited references teach, or even suggest, all of the limitations required by independent claims 1, 31, and 53.

Specifically, none of the cited references teach a tissue product having the specifically claimed different characteristics on each side of the tissue web. Specifically, none of the cited references teach that the first side of the tissue web has a dry surface depth of less than about 0.15 mm and a wetted surface depth of greater than about 0.2 mm, while the second side of the tissue web having a dry surface depth of greater than about 0.2 mm.

As the present application teaches, the two-sided properties of the tissue web provide various advantages and benefits. For instance, consumers may find different uses for each side of the web. For example, the untreated, textured side of the web may serve as the surface contacting liquids when cleaning spills and drying surfaces. The smooth side of the web, on the other hand, may be better suited for use in polishing applications. Pg. 8, lines 3-8.

Of particular advantage, it has been further discovered by the present inventors that once the smooth side of the tissue web is wetted, the smooth side becomes highly textured. In particular, for reasons unknown, when wetted, the relatively smooth print-creped side of the web can display increased topography, regaining the original texture of the web. In contrast, previously produced tissue webs that have been print-creped on each side of the web can become relatively flatter and less bulky when wetted, or display no visible repeating 3-dimensional pattern. Pg. 8, line 29 – pg. 9, line 3.

The Office Action states that the properties claimed in independent claims 1, 31, and 53 are inherent in the cited references. Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” MPEP § 2163.07(a). In this case, Applicants respectfully submit that the Examiner has not met his burden in showing that the cited references disclose a tissue product that must have the claimed properties.

Referring to Larson, et al., a multi-layered wiping product that formed from a process using a multi-layered paper web, printing a bonding agent on both of its outer surfaces, pressing the web so it adheres tightly to a creping surface and lightly to a presser roll, and then creping one of its surfaces is provided. The first bonding material is applied through a pattern metal rotogravure roll to apply an engraved pattern of bonding material to one surface of the web. Then, a second bonding material is applied to the web in a pattern arrangement, which is not necessarily in the same pattern of the bonding material applied to the first side. However, Larson, et al. fails to disclose the specific combination that the first side

of the tissue web has a dry surface depth of less than about 0.15 mm and a wetted surface depth of greater than about 0.2 mm, while the second side of the tissue web having a dry surface depth of greater than about 0.2 mm.

Additionally, Larson, et al. fails to teach the application of the bonding material to one side as a plurality of dots in combination with the bonding material applied to the opposite side such that the bonding material on the opposite side covers a greater amount of surface area than the first bonding material covers on the first side of the tissue web.

Likewise, Anderson, et al. '212 is directed to a web that can have a bonding material applied to both sides of the web. Although Anderson, et al. '212 discloses that the first bonding material applied to the first side and the second bonding applied to the second side may or may not have the same pattern, there is no teaching that the first side of the tissue web has a dry surface depth of less than about 0.15 mm and a wetted surface depth of greater than about 0.2 mm, while the second side of the tissue web having a dry surface depth of greater than about 0.2 mm. Additionally, Anderson, et al. '212 fails to teach the application of the bonding material to one side as a plurality of dots in combination with the bonding material applied to the opposite side such that the bonding material on the opposite side covers a greater amount of surface area than the first bonding material covers on the first side of the tissue web.

For the purposes of this response, Anderson, et al. '590 and '418 are considered cumulative references, since their specifications are substantially the same (Anderson, et al. '418 is a divisional application of Anderson, et al. '590). Both of these patents disclose a web structure having a first and second bonding material applied to the sides of the web in patterns that may or may not be the same. However, as with Larson, et al. and Anderson, et al. '212, these references do not teach nor suggest the specific combination that the first side of the tissue web has a dry surface depth of less than about 0.15 mm and a wetted surface depth of greater than about 0.2 mm, while the second side of the tissue web having a dry surface depth of greater than about 0.2 mm. Additionally,

Anderson, et al. '590 and '418 fail to teach the application of the bonding material to one side as a plurality of dots in combination with the bonding material applied to the opposite side such that the bonding material on the opposite side covers a greater amount of surface area than the first bonding material covers on the first side of the tissue web.

Finally, WO '060 is directed to a web having a binder composition applied to a first side of a web in a pattern occupying from about 20% to about 50% of the surface area of the sheet. A second binder composition can be applied to the opposite side of the sheet in a second pre-selected pattern which may or may not be the same as the first pre-selected pattern. However, like the other cited references, WO '060 fails to teach or even suggest the specific combination that the first side of the tissue web has a dry surface depth of less than about 0.15 mm and a wetted surface depth of greater than about 0.2 mm, while the second side of the tissue web having a dry surface depth of greater than about 0.2 mm. Additionally, WO '060 fails to teach the application of the bonding material to one side as a plurality of dots in combination with the bonding material applied to the opposite side such that the bonding material on the opposite side covers a greater amount of surface area than the first bonding material covers on the first side of the tissue web.

Furthermore, no teaching or suggestion exists that the claimed properties must be present in any of the products described by the cited references. As such, Applicants respectfully submit that the independent claims are patentable over the cited references.

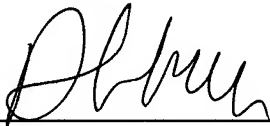
Applicants submit that the present application is in complete condition for allowance. Should Examiner Fortuna have any questions or issues with respect

App. Ser. No. 10/749,476
Response dated Oct. 10, 2007
Reply to Office Action dated June 18, 2007

to this application, however, he is invited to and encouraged to telephone the undersigned at his or her convenience.

Respectfully submitted,
DORITY & MANNING, P.A.

Oct. 10, 2007
Date



Alan R. Marshall
Reg. No. 56,405

P.O. Box 1449
Greenville, SC 29602-1449
(864) 271-1592
FAX (864) 233-7342